

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated June 8, 2011. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-8 are pending in the Application. Claims 1, 6 and 8 are independent claims. By means of the present amendment, the specification and claims are amended including for better conformance to U.S. practice, such as changing "characterized in that" to --wherein--, correcting typographical errors, amending dependent claims to begin with "The" as opposed to "A" as well as correcting certain informalities noted upon review of the claims. By these amendments, the specification and claims are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, the Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

Applicants thank the Examiner for acknowledging receipt and consideration of an Information Disclosure Statement filed on May 18, 2006.

In the Office Action, the abstract is objected to for not being provided on a separate sheet. In response and as indicated above, a new abstract is provided by this amendment.

It is respectfully submitted that the abstract is in proper form and an indication to that effect is respectfully requested.

In the Office Action, suggested guidelines for the specification are provided including section headings. Applicants note the suggestion however respectfully decline to add the headings since the section headings are not required and may be inappropriately utilized in interpreting the claimed subject matter.

Claims 1, 2, 5 and 8 are rejected under 35 U.S.C. §102(b) over U.S. Patent Publication No. 2002/00027130 to Miyata ("Miyata"). Claims 3 and 4 are rejected under 35 U.S.C. §103(a) over Miyata in view of U.S. Patent Publication No. 2003/0042241 to Uekawa ("Uekawa"). Claims 6 and 7 are rejected under 35 U.S.C. §103(a) over Miyata in view of U.S. Patent No. 6,617,554 to Moon et al. ("Moon"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-8 are allowable for at least the following reasons.

Miyata shows (emphasis added) "an electrically heat-generating material film having a microstructure composed of a silicide alone, a mixture of silicide and Si, or Si alone is fused to the surface of a nitride or carbide ceramic insulating substrate." Accordingly it is clear that in Miyata, the heat generating layer is attached to (i.e., fused to) the substrate.

The Office Action references Miyata, paragraphs [0072] and [0116] as showing "an electrically insulating layer which is based on a sol-gel precursor" as for example previously recited in claim 1 however, it is respectfully submitted that reliance on this portion of Miyata or any portion for that matter is misplaced.

Miyata in paragraph [0072] merely describes "[t]ypical examples of the nitride and carbide electric insulating ceramics" which includes "aluminum nitride ceramic, silicon nitride ceramic and silicon carbide ceramic." Paragraph [0073] makes clear that these insulating ceramics are "most preferably used as a substrate for an electric heating element." Accordingly, it is clear that Miyata paragraph [0072] discusses a substrate and has nothing to do with an electrically insulating layer which is based on a sol-gel precursor.

While paragraph Miyata paragraph [0116] is the sole mention within the four corners of Miyata that mentions "a sole-gen method", paragraph [0116] makes clear that (emphasis added) "the exposed edge which corresponds to the thickness can be protected from the outside by covering with a ceramic film by means of the sol-gel method ..."

Accordingly, it is respectfully submitted that Miyata does not teach, disclose or suggest an electrically insulating layer which is based on a sol-gel precursor. Nonetheless, in the interest of expediting consideration and allowance of the claims, the Applicants have elected to amend the claims to clarify that the electrically insulating layer is positioned between the aluminum substrate and the electrically resistive layer. It is in this way that the electrically insulating layer insulates the aluminum substrate from the electrically resistive layer (e.g., see, present application, page 3, lines 23-33).

It is respectfully submitted that claim 1 is not anticipated or made obvious by the teachings of Miyata. For example, Miyata does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "an aluminum substrate, an electrically insulating layer which is based on a sol-gel precursor, and an electrically resistive layer with a thickness smaller than 2 μm , with the electrically insulating layer

positioned between the aluminum substrate and the electrically resistive layer thereby insulating the aluminum substrate from the electrically resistive layer" as recited in claim 1, and as similarly recited in each of claims 6 and 8.

Miyata merely shows the exposed edge covered with a ceramic film by means of the sol-gel method in sharp contrast with the present system which recites in substantial form an electrically insulating layer based on a sol-gel precursor positioned between the aluminum substrate and the electrically resistive layer.

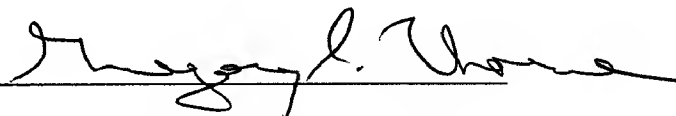
Each of Uekawa and Moon are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in Miyata.

Based on the foregoing, the Applicants respectfully submit that the independent claims are patentable and notice to this effect is earnestly solicited. The dependent claims respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
September 6, 2011

THORNE & HALAJIAN, LLP

111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101